

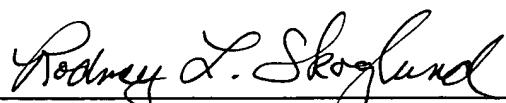
REMARKS

In the specification, the paragraph beginning at page 8, line 16, has been amended to specifically include the subject matter the Examiner has deemed essential subject matter which was previously incorporated by reference into the case. That is, the present application now provides the specific ingredients designated by the FDA as of February 5, 2002, as a direct food substance that is Generally Recognized as Safe (GRAS). In light of the fact that the Examiner has already admitted that this is essential subject matter previously incorporated by reference into the application, it is clear that no new matter has been added to the application and entry of the subject matter is respectfully requested.

Claims 1, 3, 5-9, 12 and 25 remain in this application. Claim 1 and 6 have been amended to include the essential subject matter previously incorporated by reference. No new matter has been added to the claims.

In light of the amendments, the Applicants believe that they have reduced the number of issues for appeal and that the §112 rejection should now be rendered moot. While an Appeal Brief has been filed based upon the claims as previously provided, Applicant wishes the Examiner to consider these claims as amended for purposes of appeal. Should the Examiner or the Board have any questions regarding the foregoing, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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